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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.Nos.35359 and 35360 of 2006

Ganesan .. Petitioner in W.P.No.35359/2006

Gunasekaran .. Petitioner in W.P.No.35360/2006

Vs

1.The Tamilnadu State Election Commissioner,
100 Feet Road, Vadapalani,
Chennai.

2.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Government of Tamilnadu,
Fort St. George, Chennai-9.

3.The Secretary,
Ministry of Rural Development,
Government of India,
New Delhi. .. Respondents in both WPs

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Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring that the provisions of Article 243-D of the Constitution of India and Sections 11, 20 and 32 of the Tamilnadu Panchayat Act, 1994 (Tamilnadu Act 21 of 1994) is unconstitutional and violative of the basic structure of the Constitution of India.

For the Petitioners : No Appearance

For the Respondents : Mr.U.Bharanidharan
Addl. Government Pleader
for respondents 1 and 2

: Mr.V.T.Balaji
CGPSC
for respondent No.3

COMMON ORDER

(Order of the court was made by the Hon'ble Chief Justice)

The writ petitions were called out on 16.6.2023. On that date, none appeared for the petitioners. In the interest of justice, the writ petitions were adjourned to 27.06.2023. Today also when the writ petitions are called out, none appears for the petitioners.

2. Learned Additional Government Pleader submits that Article 243-D of the Constitution of India as is assailed in the present writ

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petitions was also subject-matter of challenge before the Apex Court in the case of ***K.Krishana Murthy (Dr.) and others v. Union of India and another, (2010) 7 SCC 202,*** and the same has been negatived by the Apex Court and the manner of operation of the said Article is also dealt with by the Apex Court in the case of ***Vikas Kishanrao Gawali v. State of Maharastra,*** *reported in* ***(2021) 6 SCC 73***.

3. In view of that, the writ petitions stand dismissed. No costs.

(S.V.G., CJ.) (P.D.A., J.)

27.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

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